

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO. 38 OF 2006

In the matter of Guardians &
Wards Act, 1890; and
In the matter of Sections 6 and
8 of Hindu Minority & Guardian-
ship Act, 1956, and
In the matter of appointment of
Guardian of Master Karan Kishore
Samtani, a minor.

Kishore Mohandas Samtani Petitioner

Shri. Bali with A.R. Bapat, Advocate for
Petitioner.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 7th June, 2006

P.C.

. This is a petition under Section 8 of Hindu Minority and Guardianship Act, 1956 by the father seeking permission of this Court to sell and dispose of immovable property belonging to the minor and particulars of which are set out in Para 1 of the petition. The Birth Certificate of the minor Master Karan is annexed

as Annexure "A" to the petition. He is born on 28th October, 1991 and is residing with the petitioner as well as his mother in Hongkong. He is studying in 10th standard. The father as well as mother, who has given her consent on Affidavit point out that since more than two decades they are residing in Hongkong and immovable property belonging to them in Mumbai had already been disposed of and they do not wish to come to India. The minor is also born and is residing with them in Hongkong. In these circumstances only one flat which is in the name of the minor needs to be disposed of. The claim of the father is not adverse to the minor. On the other hand, after obtaining Valuation Report he has made an attempt to get the best price for this flat in Mumbai. In para 16 of the petition, it is pointed out that the amount will be utilised only for the benefit and education as well as upbringing of the minor son, Karan. The property is not encumbered.

2. Having heard Mr. Bali, Advocate appearing in support and perusing the Annexures to the petition including the Valuation Report, the Agreement for Sale as well as further Affidavit, in my view, the ingredients of Section 8(1) are satisfied. The sale is for the benefit of the minor and for protection of his interest. In the light of the averments of the petition, permission is granted as claimed. The petition is made absolute in terms of prayer clauses (b) and (c). Needless to state that the petitioner is at liberty to apply for appropriate orders after the amount is deposited with the Accounts Officer of this Court. Further needless to state that upon execution of the conveyance, the amount shall be invested by the Accounts Officer appropriately. The Accounts Officer to seek necessary directions in that behalf. Petition is disposed of accordingly.

(S.C. DHARMADHIKARI, J.)